

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Cr. No. 93-60015-HO
)	
)	
v.)	ORDER
)	
DWAYNE EDWARD BRADLEY,)	
)	
Defendant.)	
_____)	

A jury found defendant guilty of being a felon in possession of a firearm in June of 1993. In October of 1993, the court sentenced defendant to a 195 month term of imprisonment as an armed career criminal. The Ninth Circuit affirmed on appeal in August of 1994. This court denied defendant's habeas petition in September of 1996. The Ninth Circuit affirmed on appeal in October of 1997. Defendant again sought habeas relief which this court denied in February of 1997.

Defendant now claims entitlement to a *nunc pro tunc* order to have his sentenced reduced by 21 months.

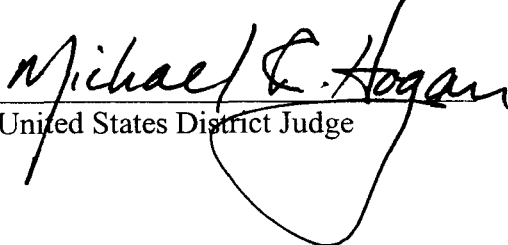
Specifically, defendant asserts that his federal sentence should be reduced by the 21 month sentence he served for a state burglary conviction related to his federal crime. Defendant maintains that there is no order signifying a consecutive sentence imposed and that therefore the sentence must be construed as concurrent.

Defendant has failed to demonstrate that the court has jurisdiction for this post-conviction motion as he is procedurally barred from bringing another habeas petition absent certification from the Ninth Circuit. Moreover, defendant's motion lacks merit. Defendant was sentenced by different courts at different times and received two terms of imprisonment for different offenses. Under the circumstances, absent a court order that his sentences run concurrently, the sentences run consecutively. See 18 U.S.C. § 3584(a) (multiple terms of imprisonment imposed at different times run consecutively unless the court orders that the terms run concurrent).

CONCLUSION

For the reasons stated above, defendant's motion for order *nunc pro tunc* and/or to correct a sentence computation (#79) is denied and this proceeding is dismissed.

DATED this 28th day of September, 2005.


United States District Judge